

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.889/2024  
Arif Javid Ex-FC No.218

..... Appellant


VERSUS

Regional Police Officer,  
Kohat Region Kohat & others

..... Respondents

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Respondents  
Through  
Representative

12-09-24

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

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Service Appeal No.889/2024  
Arif Javid Ex-FC No.218

..... Appellant

**VERSUS**

Regional Police Officer,  
Kohat Region Kohat & others

..... Respondents

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1& 2**

**Respectfully Sheweth:-**

**Preliminary Objections:-**

- i. That the appellant has got no cause of action to file the instant appeal.
- ii. The appellant has got no locus standi to file the instant appeal.
- iii. That the appellant is estopped by his own conduct to file the instant appeal.
- iv. That the appeal is bad in eyes of law and not maintainable.
- v. That the appellant has not approached the honorable Tribunal with clean hands.
- vi. That the appeal is barred by law and limitation.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 15727

Date 12-09-24

**REPLY ON FACTS**

1. Correct to the extent of appointment however, during service he proved himself inefficient and non professional official.
2. Correct to the extent that disciplinary proceeding against appellant was initiated for which he was served with the charge sheet on account of his carelessness, non-professionalism and misconduct in discharge of his official obligations. Accused Ahmad Nawaz s/o Tehsil Zaman r/o Wanki Siraj Khel Tehsil Takht-e-Nasrat District Karak was charged in case FIR No.742 dated 08.03.2023 u/s 302,34 PPC Police station Yaqoob Khan Shaheed was confined in central Jail Karak. On 25.11.2023 he was referred to DHQ Hospital Karak by Jail Medical Officer and admitted in MLC ward at DHQ Hospital Karak on the same date by Dr. Jamil Anwar, General Surgeon. On 27.11.2023 at 1430 hrs the above named accused made escape from appellant's custody. On account of such negligence proper case vide FIR No.742 dated 27.11.2023 u/s 223,224 PPC Police station City Karak was registered against appellant. Copy of charge Sheet, Statement of Allegation & FIR No.742 as **Annexure-A, B & C**.
3. That on account of such misconduct, after service of charge sheet proper departmental enquiry was initiated against the appellant through Mr. Nazeer Hussain DSP Hqrs, Karak, who conducted proper enquiry by fulfilling all codal formalities. After concluding the enquiry proceedings, the enquiry officer submitted his finding report wherein the appellant was found guilty for his carelessness, non-professionalism and misconduct and recommended him for

major punishment. Consequent upon receipt of enquiry report Final Show Cause Notice was issued to appellant but his reply was found unsatisfactory. Copy of enquiry reports & Final Show Cause Notice as **Annexure-D & E**.

4. Incorrect, during departmental enquiry, the allegations against appellant stands proved and enquiry officer clearly mentioned in his finding report that the appellant was found guilty for his carelessness, negligence and non-professionalism in discharge of his official obligations, hence after personal hearing, appellant was dismissed from service.
5. Correct to the extent of filing of departmental appeal, however, the appellate authority rejected the appeal of appellant being devoid of merit, through speaking order. Copy of rejection order as **Annexure-F**.
6. That appellant has got no cause of action and the instant appeal being devoid of merit is liable to be dismissed with cost.

**GROUNDS:**

- a) Incorrect, the order of the respondents are quite legal and strictly in accordance with the law.
- b) Incorrect, the order of the respondents are quite legal and strictly in accordance with the principle of natural justice.
- c) Incorrect, during enquiry appellant failed to prove his innocence and the charges against him stands proved beyond any shadow of doubt.
- d) Incorrect, reply already submitted in paras above.
- e) Incorrect, the allegations against appellant already stands proved during departmental enquiry; however, departmental and criminal proceedings are two different entities having no effects on each other.
- f) Incorrect, there is no malafide on part of respondents and the orders passed are strictly in accordance with law / rules.
- g) Incorrect, the order of respondent No.1 is quite legal and the appellant has been treated in accordance with the law / rules.
- h) Incorrect, enquiry officer by fulfilling of all codal formalities recommended the appellant for major punishment.
- i) Incorrect. Reply already given vide paras above.
- j) Incorrect, the order of respondents are quite legal and in accordance with law.
- k) Incorrect, Reply already given vide paras above.
- l) Incorrect, the respondent No.2 has rightly rejected the appeal of appellant being devoid of merit.
- m) Incorrect, the appellant has been duly provided an opportunity of personal hearing.
- n) Incorrect. Reply already given vide paras above.
- o) Incorrect, proper departmental enquiry was initiated and after concluding the enquiry proceedings the appellant alongwith 02 others officials were charged because they were on duty at the time of occurrence.

p) The respondents will also agitate additional grounds at the time of hearing before this Hon'ble Tribunal.

**Prayer:-**

In the light of above facts and circumstances, it is therefore requested that the appeal of the appellant, being devoid of merits, may kindly be dismissed with costs, please.



District Police Officer,  
Karak  
(Respondent No.2)  
**(KHAN KHAIL KHAN)Provl:**  
Incumbent



Regional Police Officer,  
Kohat  
(Respondent No.1)  
**(SHER AKBAR) PSP, S.ST)**  
Incumbent

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

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**Service Appeal No.889/2024  
Arif Javid Ex-FC No.218**

..... **Appellant**

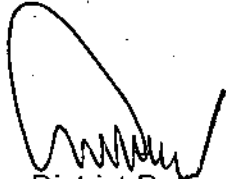
**VERSUS**

**Regional Police Officer,  
Kohat Region Kohat & others**

..... **Respondents**

**AUTHORITY LETTER**

Mr. Habib Ur Rehman Inspector Legal Karak, is hereby authorized/nominated to submit para-wise comments/reply in the instant service appeal in the Hon'ble Khyber Pakhtunkhwa Service Tribunal Peshawar and also to defend instant service appeal on behalf of Respondent's No.1 to 2.



**District Police Officer  
Karak  
(Respondent No. 2)  
(KHAN KHIAL KHAN ) Provl:**



**Regional Police Officer  
Kohat  
(Respondent No. 1)  
(SHER AKBER) PSP, S.St**

DSP Hajya Karak

No. 162 /Enq:

Dated 28/11/2023


**CHARGE SHEET**

1, **Mr. SAJJAD AHMAD, DPO KARAK** as competent authority, hereby charge you **FC Arif Javid No. 218, (under suspension Police Lines, Karak)** committed the following irregularities: -

"It has been noticed with grave concerned that accused Ahmad Nawaz s/o Tehsil Zaman r/o Wanki Siraj Khel Tehsil Takht-e-Nasrati District Karak who was charged in case FIR No. 742 dated 08.03.2023 u/s 302,34 PPC Police station Yaqoob Khan Shaheed and was confined in Central Jail Karak. On 25.11.2023 he was referred to DHQ Hospital Karak by Jail Medical officer and admitted in MLC ward at DHQ Hospital Karak on the same date by Dr. Jamil Anwar, General Surgeon. On 27.11.2023 at 1430 hrs the above named accused made his escape from your custody. In this regard proper case vide FIR No. 742 dated 27.11.2023 u/s 223,224 PPC Police station City Karak has been registered against you. Your above act shows your malafide intension, carelessness, non-professionalism and also amount to gross misconduct on your part in the discharge of official obligations".

2. By reasons of the above, you appear to be guilty of misconduct Under Police Disciplinary Rules, 1975 (amended 2014) and have rendered yourself liable to all or any of the penalties specified in the above rules.
3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Enquiry Officer/Committees, as the case may be.
4. Your written defence, if any, should reach to the Enquiry Officer/Committees within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
5. Intimate whether you desire to be heard in person.
6. A statement of allegation is enclosed.

Attested

  
DISTRICT POLICE OFFICER  
KARAK

  
DISTRICT POLICE OFFICER,  
KARAK

**DISCIPLINARY ACTION**

I, **Mr. SAJJAD AHMAD, DPO KARAK** as competent authority, am of the opinion that **FC Arif Javid No. 218, (under suspension Police Lines, Karak)** has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning Under Police Disciplinary Rules, 1975 (amended 2014).

**STATEMENT OF ALLEGATIONS**

"It has been noticed with grave concerned that accused Ahmad Nawaz s/o Tehsil Zaman r/o Wanki Siraj Khel Tehsil Takht-e-Nasrati District Karak who was charged in case FIR No. 742 dated 08.03.2023 u/s 302,34 PPC Police station Yaqoob Khan Shaheed and was confined in Central Jail Karak. On 25.11.2023 he was referred to DHO Hospital Karak by Jail Medical officer and admitted in MLC ward at DHO Hospital Karak on the same date by Dr. Jamil Anwar, General Surgeon. On 27.11.2023 at 1430 hrs the above named accused made his escape from his custody. In this regard proper case vide FIR No. 742 dated 27.11.2023 u/s 223,224 PPC Police station City Karak has been registered against him. His above act shows his malafide intension, carelessness, non-professionalism and also amount to gross misconduct on his part in the discharge of official obligations".

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an Enquiry Officer will conduct enquiry in the above rules: -

DSP Hqs: Karak

3. The Enquiry Officer shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make, within twenty-five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Enquiry Officer.


  
**DISTRICT POLICE OFFICER,  
KARAK**

A copy of the above is forwarded to:-

1. The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Disciplinary Rules, (1975 amended 2014).

2. **FC Arif Javid No. 218**. The concerned officer with the directions to appear before the Enquiry Officer, on the date, time and place fixed by the Officer, for the purpose of the enquiry proceedings.

*Attested*

  
**DISTRICT POLICE OFFICER  
KARAK**

(6)



پولیس فارم نمبر 24-15 (1)

سرٹیفکٹ نمبر: 003427

ابتدائی اطلاع رپورٹ نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ ذریعہ 154 مجموعہ ضابطہ فوجداری

نمبر: 742/23 قتانہ: کرک ضلع: کرک ای ٹک نمبر: 00000000	تاریخ و وقت وقوع: 27-11-2023 02:30 PM	تاریخ و وقت رپورٹ: 27/11/23 17:40
1 تاریخ و وقت رپورٹ	6 قتانہ سے رواگئی کی تاریخ و وقت	پہر سکیٹل ڈاک
2 نام و سکونت اطلاع دہندہ مستفیث	طارق خان SHO چو: قتانہ کرک،	
3 مختصر کیفیت جرم (موردہ نمبر) دہلی اگر کچھ کھو گیا ہے	بجرم:	
	223 تپ	
	224 تپ	
4 جانے وقوعہ و فاصلہ قتانہ سے اور سمت	MLC دارا KDA ہسپتال کرک	
5 کارروائی متعلقہ تفتیش اگر اطلاع درج کرنے میں کچھ توقف ہو اور تو اس کی وجہ بیان کی جاوے	برسیدگی مر اسلہ پر چہ دیا جاتا ہے	

03479662791

ٹیلی فون نمبر

ASI

عہدہ:

ASI

پلاٹ نمبر:

ISLAM NISAR

(ابتدائی اطلاع نیچے درج کریں)

ایک تحریری مر اسلہ منجانب طارق خان SHO بدست کنسٹیبل ارسلان 400 موصول ہو کر جو کہ درج ذیل ہے محرر قتانہ دوران گشت اطلاع موصول ہوئی کہ ملزم احمد نواز ولد تحصیل زمان سکندہ کی سرچ نیل نواز مقدمہ علت 126 مورخہ 23-03-08 جرم PPC302,34 قتانہ YKS گرفتار شدہ جو KDA ہسپتال کرک میں مورخہ 23-11-25 روز ہفتہ سے MLC کرک میں زیر علاج تھا امروز ڈاکٹر صاحب نے ڈسچارج کر کے پولیس کی حراست سے بھاگ چکا ہے حسب اطلاع فوراً KDA ہسپتال کرک آیا معلوم ہوا کہ ملزم بالا ڈیوٹی پر مامور گارڈ انچارج حماد HC450 کنسٹیبلان عارف جاوید 218 حمزہ 907 کی حراست سے اس کی شفقت اور اپر ای کی وجہ سے بھاگ چکا ہے جس کی گرفتاری درپیش ہے ڈیوٹی پر مامور انکاران بالا اور ملزم فرار شدہ کو سر تکب جراثم بالا کے پائے جا کر مر اسلہ مقدمہ بدست کنسٹیبل ارسلان 400 ارسال قتانہ ہے بعد اندراج مقدمہ انفورمیشن FIR مر اسلہ بغرض تفتیش حوالہ اسلام ٹارخان ASI کیا جائے وقوعہ کی بابت افسران بالا صاحبان کو اطلاع دی جاتی ہے میں معہ نظری کے بسلسلہ گرفتاری ملزم روانہ علاقہ ہوں دستخط انگریزی طارق خان SHO قتانہ کرک مورخہ 23-11-27 کارروائی قتانہ آمد مر اسلہ حرف بحرف درج بالا ہو کر پرچہ بجرم اہم بالا چاک ہو کر میں مصروف تفتیش ہوں

ASI ISLAM NISAR

27-11-2023

Attested

DISTRICT POLICE OFFICER  
KARAK





از دفتر

ٹھہٹی سپرنٹنڈنٹ آف پولیس ہیڈ کوارٹرز ضلع کرک

ای میل dsphqrskarak@gmail.com فون نمبر 291127-0927

Dated: 29 / 12 / 2023

No 580 / HQ/PA

\*\*\*\*\*

منجانب:

جناب ڈسٹرکٹ پولیس آفیسر کرک

عنوان:

حکبانہ انکوائری برخلاف عارف جاوید نمبر 218 متعینہ MLC داروہ حال معطل

جناب عالی!

الزامات:

بحوالہ مشمولہ چارج شیٹ نمبر 162 مورخہ 28.11.2023 جاریہ جناب ڈسٹرکٹ پولیس آفیسر صاحب کرک میں الزامات لگانے گئے ہیں۔ کہ الزام علیہ عارف جاوید نمبر 218 ڈسٹرکٹ ہیڈ کوارٹرز ہسپتال کرک کے MLC وارڈ میں تعینات تھا۔ ملزم احمد نواز ولد تحصیل زمان سکندہ ونگی سراج ہیل تحت نسر قی ضلع کرک جو مقدمہ نمٹ 742 مورخہ 08.03.2023 جرم PPC 302,34 پولیس سٹیشن یعقوب خان شہید نامزد ہو کر گرفتاری کے بعد سنٹرل جیل کرک میں بند تھا۔ مورخہ 25.11.2023 کو ملزم احمد نواز جیل سے بغرض علاج علاج ہسپتال ریفری ہو کر MLC وارڈ میں زیر علاج تھا۔ مورخہ 27.11.2023 کو ہسپتال سے ڈسچارج ہو کر الزام علیہ کی حراست سے نکل کر روپوش ہو گیا۔ اس سلسلہ میں الزام علیہ کے خلاف بحوالہ نمٹ 742 مورخہ 27.11.2023 جرم PPC 223,224 تھا کہ کرک سٹی میں مقدمہ درج ہو کر گرفتار ہو چکا ہے الزام علیہ کا یہ فعل بد یعنی لاپرواہی اور بد عنوانی کے زمرے میں آتا ہے۔ جس کے لیے زیر دستخطی کو انکوائری آفیسر مقرر کیا گیا ہے۔

کی مٹی انکوائری:

انکوائری کے سلسلے میں مذکورہ الزام علیہ کنستبل کو دفتر طلب کر کے جس کو سنا گیا۔ اور تحریری بیان لیا گیا۔ جس نے بیان کیا کہ دو اپنے انچارج سجاد اقبال HIC کے ساتھ ڈسٹرکٹ ہسپتال KIDA کرک میں MLC وارڈ میں کارڈ ڈیوٹی پر تعینات تھا۔ ملزم احمد نواز ولد تحصیل زمان سکندہ ونگی سراج ہیل تحت نسر قی ضلع کرک جو مقدمہ نمٹ 742 مورخہ 08.03.2023 جرم PPC 302,34 پولیس سٹیشن یعقوب خان شہید میں نامزد ہو کر گرفتاری کے بعد سنٹرل جیل کرک میں بند تھا۔ مورخہ 25.11.2023 کو ملزم احمد نواز جیل سے بغرض علاج علاج ہسپتال ریفری ہو کر MLC وارڈ میں زیر علاج تھا۔ اس نے ملزم کو ہتھکڑی لگا کر چارپائی کے ساتھ ہاندہ لیا۔ ملزم احمد نواز درون ہسپتال میں داخل رہا۔ مورخہ 27.11.2023 کو انچارج سجاد اقبال نئی کام کے سلسلے میں چند گھنٹوں کے لیے ہسپتال سے باہر گیا۔ اور انہیں کہا کہ خیالی رکھیں وہ واپس آتے ہیں۔ بروز وقوعہ ملزم ہسپتال سے ڈسچارج ہونے پر اس نے ملزم سے کہا کہ تیار ہو جاؤ آپ کو واپس جیل میں داخل کرنا ہے۔ اسی دوران ملزم رنج حاجت کے لیے جانے کا کہا اس نے ملزم کی ہتھکڑی کھول کر اپنے ہمراہ ساتھی پولیس کنستبل کو ملزم کی ہسپتال سے نکل لے جانے کے بارے میں آگاہ کیا۔ کہ اسی دوران ملزم احمد نواز ہاتھ روم سے بھاگ کر فرار ہوا تھا۔ جس پر اس وقوعہ کی اطلاع فوری طور پر انچارج سجاد کو دیکر ملزم کا تعاقب شروع کیا۔ ملزم احمد نواز کے والدین اور دیگر رشتہ داروں پر پریشر ڈال کر ملزم کو حوالہ کرنے کا کہا۔ مورخہ 28.11.2023 کو انفارمیشن کے بنیاد پر ملزم احمد نواز کا تعاقب کر کے دوبارہ گرفتار کیا گیا۔

یہ درست ہے ملزم ان کے حراست سے فرار ہوا تھا۔ مگر یہ بھی ایک حقیقت ہے۔ کہ ملزم اس کے اور اس کے عزیز و اقارب کی اثر رسوخ کی وجہ سے 20 گھنٹوں کے بعد گرفتار ہوا۔ اگر ملزم کی فرار ہونے میں اس کی کوئی بد نیکی شامل ہوتی تو ملزم فوراً گرفتار کرتے۔ اسے یہ بات میناں ہے۔ کہ یہ ایک حادثہ تھا۔

Attested

DISTRICT POLICE OFFICER

KARAK

چونکہ اس کے خلاف مقدمہ عدالت 742 مور نمبر 28.11.2023 تا 223,224 تھا: کرک سٹی میں درج ہے۔ اور عدالت سے ضمانت پر ہے اور عدالت کے فیصلے سے پہلے ان کے خلاف حکمانہ کارروائی ایک ہی الزام کے بنیاد پر درست نہیں کیونکہ ہمارے آئین و قانون کے مطابق دوہری سزا منع ہے۔ اگر عدالت نے اسے سزا دی تو پھر حکمانہ کارروائی کی بھی جواز ہوگی۔ لہذا حکمانہ کارروائی کو الٹوانا سہرا رکھنے کی استدعا ہے۔

مزید انکو انٹری کے سلسلے میں الزام علیہ عارف جاوید کی سروس ریکارڈ چیک کی گئی۔ سروس ریکارڈ کے مطابق الزام علیہ کنستبل عارف جاوید مور نمبر 11.08.2009 کو ٹنگ پولیس FRP میں بطور کنستبل بھرتی ہوا ہے۔ اور اس کی کل سروس تقریباً 14 سال آتی ہے۔ دیکھی مور نمبر 05.04.2019 کو FRP سے ضلع کرک تبادلا ہوا۔ مذکورہ الزام علیہ کی 14 سال کی سروس میں ایک Good Entry اور (09) Nine بار Bad Entries درج ہوئی ہے۔

پہ دران انکو انٹری یہ بھی معلوم ہوا ہے۔ کہ ملازم احمد نواز کو ان پولیس اہلکاران نے دوبارہ گرفتار کر کے انوسٹی گیشن آفیسر کے حوالے کیا۔ جن پولیس اہلکاران کی حراست سے روپوش ہوا تھا۔ (یعنی الزام علیہ عارف جاوید مع سجاد اور حمزہ نے ملازم احمد نواز کو دوبارہ گرفتار کیا ہے)

دوران انکو انٹری جملہ بیانات، محتلفہ ریکارڈ، Interrogation report اور الزام علیہ کنستبل عارف جاوید نمبر 218 پر زیر بحث چارج شیٹ میں لگائے گئے الزامات کو ہر ایک جہتی سے جانچا گیا اور حقائق معلوم کرنے کی بھرپور کوشش کی گئی۔ جس سے زیر دستحلی اس نتیجے پر پہنچا کہ الزام علیہ کنستبل عارف جاوید کے ملازم احمد نواز سے پہلے سے تعلقات تھے۔ ملازم کی فراری میں الزام علیہ کنستبل عارف جاوید کی نفی و لا پر دہائی شامل ہے۔ جس کے لیے "بڑی سزا" کی سفارش کی جاتی ہے۔ انکو انٹری رپورٹ مرتب ہو کر گزارش ہے۔

M/199  
 ڈپٹی سپرنٹنڈنٹ پولیس ایڈ کوارٹر  
 کرک

Attested

*[Signature]*  
 DISTRICT POLICE OFFICER  
 KARAK

9

No. 02 / Enq:

Dated: 05 / 01 / 2024

**FINAL SHOW CAUSE NOTICE**  
**(UNDER RULE 5(3) KPK DISCIPLINARY RULES, 1975 (AS AMENDED 2014))**

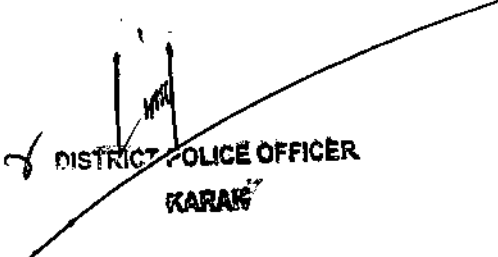
WHEREAS, "You Constable Arif Javid No. 218 proceeded against departmentally on the basis of allegations that it has been noticed with grave concerned that accused Ahmad Nawaz s/o Tehsil Zaman r/o Wanki Siraj Khel Tehsil Takht-e-Nasrati District Karak who was charged in case FIR No. 742 dated 08.03.2023 u/s 302,34 PPC Police station Yaqoob Khan Shaheed and was confined in Central Jail Karak. On 25.11.2023 he was referred to DHQ Hospital Karak by Jail Medical officer and admitted in MLC ward at DHQ Hospital Karak on the same date by Dr. Jamil Anwar, General Surgeon. On 27.11.2023 at 1430 hrs the above named accused made his escape from your custody. In this regard proper case vide FIR No. 742 dated 27.11.2023 u/s 223,224 PPC Police station City Karak has been registered against you. Your above act shows your malafide intension, carelessness, non-professionalism and also amount to gross misconduct on your part in the discharge of official obligations".

THEREFORE, you were served with Charge Sheet and statements of allegations under Police Disciplinary Rules 1975 (as amended 2014) vide No. 162/Enq., dated 28.11.2023. Mr. Naazer Hussain DSP HQrs is appointed as Enquiry Officer to conduct departmental enquiry against you, to which you submit your reply. After completion of enquiry, the Enquiry Officer submitted findings vide No. 580/HQ/PA dated 29.12.2023, in which the allegations against you Constable were proved and recommended for Major Punishment.

NOW, THEREFORE, I, **Muhammad Waqas Khan (PSP)**, District Police Officer, Karak have vested the power under Police Disciplinary Rules 1975 (as amended 2014) liable to take action against you, which will render you.

Your reply to this Final Show Cause Notice must reach to the office of the undersigned within (7 days) of the receipt of this Final Show Cause Notice. In case your reply is not received within the stipulated period, it shall be presumed that you have no defence and ex-parte action will be taken against you. Also state, whether you desire to be heard in-person?

Attested

  
DISTRICT POLICE OFFICER  
KARAK

  
DISTRICT POLICE OFFICER,  
KARAK

ORDER.

2394  
14/06/2024

This order will dispose of the departmental appeal preferred by Ex- Constable Arif Javed No.218 of Operation staff Karak against the order of District Police Officer, Karak whereby he was awarded major punishment of dismissal from service vide OB No. 45 dated 25.01.2024. Brief facts of the case are that on 25.11.2023 accused Ahmad Nawaz S/O Tehsil Zaman R/O Wanki Siraj Khel Takht-e-Nasrati district Karak, who was charged in case FIR No.742 dated 08.03.2023 U/S 302/34 PPC police station Yaqoob Khan Shaheed and confined in Central Jail Karak, was referred to DHQ Hospital Karak by Jaiti Medical Officer. He was admitted in Medico-Legal Ward Karak for treatment. Ex: Constable Arif Javed No.218 and other Police Officers were deployed for security of the undertrial prison. On 27.11.2023, the accused namely Ahmad Nawaz escaped from police custody. Proper case was registered against the Ex- Constable Arif Javed No.218 vide FIR No.742 dated 27.11.2023 U/S 223/224 PPC PS City Karak.

District Police Officer, Karak initiated proper departmental enquiry proceedings against him and Sub Divisional Police Officer, Headquarters, Karak was appointed as Enquiry Officer. The Enquiry Officer after fulfillment of codal formalities, submitted his findings wherein the appellant was found guilty of the charges leveled against him. On recommendation of the enquiry officer the District Police Officer, Karak issued Final Show Cause Notice to him vide No.01/Enq dated 05.01.2024 but his reply to the Final Show Cause Notice was found unsatisfactory.

Keeping in view the recommendations of the Enquiry Officer and the above cited circumstances of the case, the delinquent officer was awarded major punishment of dismissal from service vide District Police Officer, Karak OB No. 45 dated 25.01.2024.

Feeling aggrieved from the order of District Police Officer, Karak, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in the office of the undersigned on 29.05.2024. During personal hearing the appellant did not advance any plausible explanation in his defense.

Foregoing in view, I, Sher Akbar, PSP, S.St, Regional Police Officer, Kohat, being the appellate authority, am of considered opinion that the charges leveled against the delinquent officer have been fully established. The punishment of dismissal from service awarded to the delinquent officer is justified and, therefore, warrants no interference. Hence appeal of the Ex- Constable Arif Javed No.218 is hereby rejected, being devoid of substance and merit.

Order Announced  
29.05.2024

*[Signature]*  
Regional Police Officer,  
Kohat Region

No. 4913 /EC, Dated Kohat the 5, 6 /2024

Copy forwarded to District Police Officer, Karak for information and necessary wr to his office Memo: No.842/EC, dated 28.02.2024. His Service Record and Fauji Misal are returned herewith.

*SRE/OTC*  
\*\*\*\*\* For n/a action along with  
Service Record and F/misal.  
*[Signature]*  
DISTRICT POLICE OFFICER  
14/6 KARAK

Attested  
*[Signature]*  
DISTRICT POLICE OFFICER  
KARAK

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.889/2024  
Arif Javid Ex-FC No.218

..... Appellant

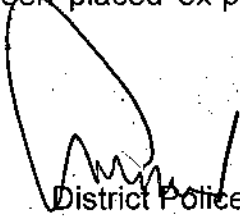
VERSUS

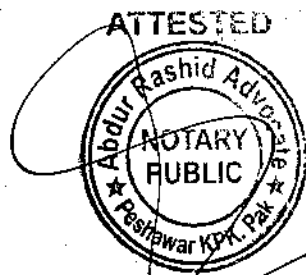
Regional Police Officer,  
Kohat Region Kohat & others

..... Respondents

AFFIDAVIT

I, Khan Khail Khan District Police Officer, Karak do hereby solemnly affirm on oath that the contents of Para-wise comments on behalf of respondent's No. 1 & 2 are correct to the best of my knowledge/ belief. Nothing has been concealed from this Hon'ble Service Tribunal. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off/ lost.

  
District Police Officer,  
Karak  
(Respondent No.2)  
**(KHAN KHAIL KHAN)Provl:**  
Incumbent



12 SEP 2024